IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2316 OF 2004

IN

SUIT NO. 2352 OF 2004

Mohammed Asadullah @ Asad Tyerwalla ... Plaintiff.

vs.

M/s.ACE Movie Maker & others. .... Defendants.

Ms.Pallavi Ashar i/b. A.M.Saraogi, for Plaintiff.

Mr.Vivek Midha, for Defendant no.3..

CORAM: D.K.DESHMUKH,J.

DATED: 1st July,2005

P.C.:-

1. The defendant no.3-Laboratory claims that they are holding prints in its possession because the defendant no.1 owes money to defendant no.3. Therefore, assuming that the defendant no.1 has assigned its rights in favour of the plaintiff, the plaintiff cannot force defendant no.3 to part with the prints which defendant no.3 claims to be holding as a Bailee, as he has to recover amount from

defendant no.1. In view of this, it cannot be said that the plaintiff has made out a strong prima facie case which is necessary for granting mandatory order in favour of the plaintiff. Hence, the notice of motion is disposed of.